

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

May 11, 2007

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

HAWAII

**Issuance of Right-of-Entry Permit to Department of Hawaiian Home Lands,
onto Encumbered State Lands at Lalamilo, South Kohala, Hawaii, Tax Map
Key: 3rd/6-6-01: 11**

APPLICANT:

The Department of Hawaiian Home Lands, whose business and mailing address is P. O.
Box 1879, Honolulu, Hawaii 96805.

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Lalamilo, South Kohala, Hawaii, identified by
Tax Map Key: 3rd/6-6-01: 11, as shown on the attached map labeled Exhibit A.

AREA:

2.33 acres, more or less.

ZONING:

State Land Use District: Urban
County of Hawaii CZO: Unimproved Residential

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Encumbered by Revocable Permit No. S-7315, to Gary L. Davis, Permittee, for pastoral purposes.

CHARACTER OF USE:

Pastoral purposes.

TERM OF RIGHT-OF-ENTRY:

This right-of-entry is for 1-month, commencing on June 1, 2007 and ending on June 30, 2007, or upon completion of the survey, whichever is the sooner. However, should a need arise; extensions may be granted by the Chairperson.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 5, Item No. 1 that states "Permission to enter State lands for the purpose of basic data collection, research, experimental management and resources evaluation activities such as archaeological survey, topographic survey, test borings for soil test, ground cover survey inspection of property for appraisal and development feasibility study purposes."

DCCA VERIFICATION:

Not applicable as the Applicant is a government agency, and therefore, exempt from registering with DCCA.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Obtain written concurrences from all users of the subject property.

REMARKS:

At its meeting of February 8, 2002, the Board of Land and Natural Resources, under

Agenda Item D-1, approved the issuance of a revocable permit to Gary L. Davis for pastoral purposes.

By letter dated April 10, 2007, Larry M. Sumida, Administrator, Land Development Division, Department of Hawaiian Home Lands, requested a right-of-entry onto encumbered State lands at Lalamilo, South Kohala, Hawaii, identified as Tax Map Key: 3rd/ 6-6-01: 11. Purpose of the permit is to allow DHHL, its consultants, contractors and/or persons acting for or on its behalf to conduct topographical/ geotechnical surveys for feasibility study and design for its proposed water tank site. The proposed off-site water system improvement, which includes a new 0.5 MG reservoir, will service DHHL's proposed Lalamilo Residence Lots, Phase II subdivision. The proposed tank site would be constructed by DHHL, and then dedicated to the County of Hawaii upon completion.

The subject property is currently encumbered under Revocable Permit No. S-7315, to Gary L. Davis for pastoral purposes. As a result, DHHL shall contact Mr. Davis and obtain written concurrences to this right-of-entry prior to entering the subject property.

Consideration shall be at gratis as this right-of-entry is only for survey/investigative purposes for a government related project.

No agency or community comments were solicited as this request is only for survey purposes and is not a change in use.

RECOMMENDATION:

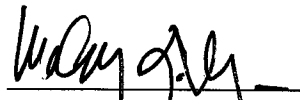
That the Board, subject to the Applicant fulfilling the Applicant Requirements above, authorize the issuance of a right-of-entry permit to the Department of Hawaiian Home Lands, its consultants, contractors, and/or persons acting for or on its behalf, covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

1. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
2. The term of this right-of-entry shall be for 1-month, commencing on June 1, 2007 and ending on June 30, 2007, or upon completion of the survey/investigation, whichever is the sooner. Should a need arise; extensions may be granted by the Chairperson;
3. Consideration shall be at gratis as this right-of-entry is only for survey/investigative purposes for a government related project;
4. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State; and

May 11, 2007

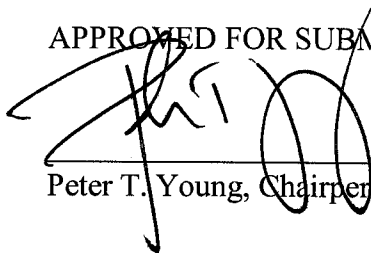
5. Authorize the Chairperson to issue future right-of-entries to the Applicant in relation to its proposed tank site project.

Respectfully Submitted,



Wesley T. Matsunaga
Acting District Land Agent

APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson

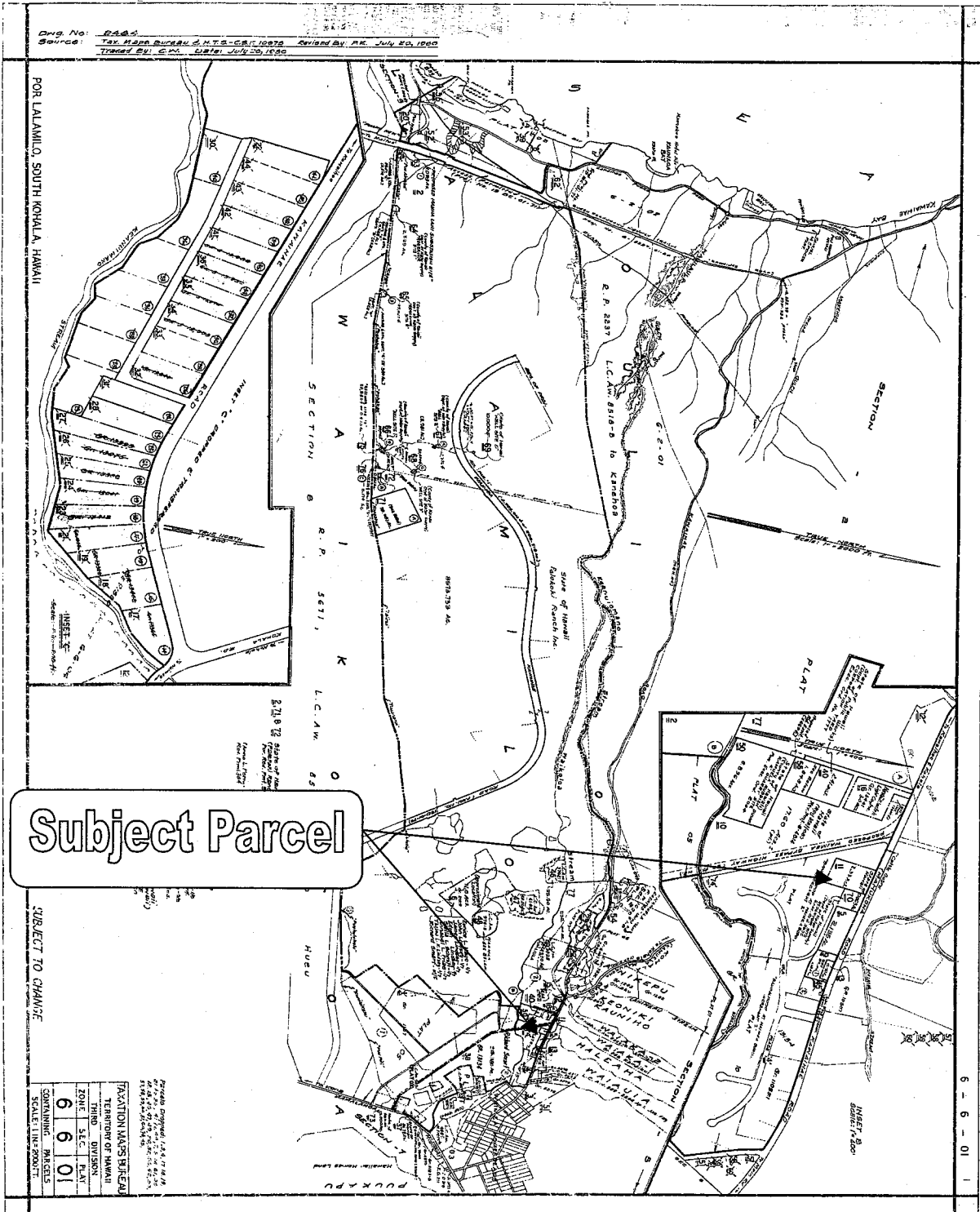


EXHIBIT A

